



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,533	09/23/2003	James T. Doubet	20030909	2092
25260	7590	07/03/2008		
MARCI A. DOUBET P. O. BOX 422859 KISSIMMEE, FL 34742			EXAMINER	
			IWARERE, OLUSEYE	
ART UNIT		PAPER NUMBER		
3687				
NOTIFICATION DATE		DELIVERY MODE		
07/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,533	<b>Applicant(s)</b> DOUBET, JAMES T.
	<b>Examiner</b> OLUSEYE IWARERE	<b>Art Unit</b> 3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 14 May 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 May 2008 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-166/08)<br>Paper No(s)/Mail Date <u>09/23/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This communication is a First Office Action Non-Final rejection on the merits. This consideration was prompted by a request for continued examination. Amendments to claims 1, 3, 4, 10, 12, and 14 – 20 have been entered, and have been considered below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 1 recites the limitation "the underlying transfer" in line 6. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 20 recites the limitation "the underlying transfer" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cerkendall et al. (2003/0177025).**

As per claim 1, Cerkendall discloses a method of tracking animal transfers with animal passports, the method comprising ([0003]; via a system, computer program product and method for tracking processing events for a meat animal from its conception to its consumption, by using data entry devices):

creating an animal passport to represent a transfer of animals from a transferor to a transferee ([0003]; via using data entry devices that minimize keyboard entry and multiple interconnected databases such that a particular animal history can provide both quality assurance source verification and performance tracking);

assigning a unique passport identifier to each created animal passport, thereby providing a unique identification of the underlying transfer ([0020]; via it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code); and

repeating the creating and assigning for each of at least one subsequent transfer of one or more of the animals ([0022]; via there is a need to provide a means for individual animal identification throughout the production cycle and to minimize the difficulty of data entry throughout the industry), wherein the animal passport created for each subsequent transfer also records the unique passport identifier assigned to each

Art Unit: 3687

most-recent previous transfer of those animals ([0020]; via it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code).

**As per claim 2,** Cerkendall discloses, wherein each of the animal passports is signed by a transferor and transferee who are parties to each transfer, thereby certifying the transfer represented by the signed animal passport ([0140]; via the user may either verify or make changes to his Work Card through "Edit Work Card" from the start menu).

**As per claim 3,** Cerkendall further discloses, comprising recording the animal passports in a repository ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system).

**As per claim 4,** Cerkendall further discloses, comprising using the animal passport identifiers to track locations of the animals ([0130]; via each event can have

Art Unit: 3687

one or more default details associated with it. For instance, the event "LOCATION" might have three different details such as PEN-1, PEN-2, and NORTH 4000, that can be used to record changes in animals' locations).

**As per claim 5,** Curkendall discloses, wherein the animal passports reflect a complete lifetime of the animals and are therefore usable to track transfers of the animals throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

**As per claim 6,** Curkendall discloses, wherein the animal passports reflect a complete lifetime of the animals and are therefore usable to track locations of the animals throughout their lifetime ([0144]; via The bottom half of the screen shows all events recorded during the animal's lifetime).

**As per claim 7,** Curkendall discloses, wherein the transfers are transfers of ownership ([0395]; via A live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 8,** Curkendall discloses, wherein the transfers are transfers of possession ([0177]; via in some cases, the stocker or cow-calf operator may retain ownership of the calves at the feedlot, so that there is not a sale at that point).

**As per claim 9,** Curkendall discloses, wherein at least one of the transfers is a transfer of ownership and at least one of the transfers is a transfer of possession ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per Claim 10,** Curkendall discloses, wherein the repeating and assigning are also repeated for subsequent transfers of animal products derived from the animals ([0336]; via regimens allow the user to save a set of events that may be used repeatedly for a particular group type).

**As per Claim 11,** Curkendall discloses, wherein the animal passports further specify individual animal identifications of the transferred animals ([0032]; via transfer animal data from one database to another on the same machine or within a network such as the world wide web; transfer animal records from one entity to another; and communicate with other databases for sharing information concerning the livestock).

**As per claim 12,** Cerkendall discloses, wherein additional animals may be included in one or more of the subsequent transfers, and wherein the animal passport created for such subsequent transfers also record the unique passport identifier assigned to each most-recent previous transfer of those additional animals ([0205]; via although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID) transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal).

**As per claim 13,** Cerkendall discloses, wherein animal passports are created for each transfer during a time of the animals and further comprising:

recording each of the animal passports in a repository, wherein each of the animal passports further comprises a specification of how many animals are represented by each transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one or more transferees who are parties

Art Unit: 3687

to each transfer ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments); and

determining a country of origin for one or more selected ones of the animals using a most-recent unique passport identifier associated therewith to determine all locations in which the selected ones have been located throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

**As per claim 14,** Cerkendall discloses, each of the animal passports further comprises a specification of how many animals were transferred in the transfer represented by that animal passport, a location of the animals during a timeframe covered by the animal passport and an identification of one or more transferors and one or more transferees who are parties to that transfer ([0131] discusses core events in the data collection supply chain including identification, location, transfer and origin); and

further comprising:

determining, for a selected one of the animals, all locations in which the selected animal has been located throughout its lifetime, using each animal passport associated with the selected animal ([0131] discusses determining animal locations and [0144] discusses recorded events in the animal's lifetime); and

preparing a country of origin claim for the selected animal, using the determined locations, wherein the country of origin claim indicates whether the selected animal has been located only in a selected country throughout the lifetime of the animal ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

**As per claim 15,** Curnekall discloses, wherein animal passports are created for each transfer during a lifetime of the animals and further comprising ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments):

recording each of the animal passports in a repository, wherein each of the animal passports further comprises a specification of how many animals are represented by each transfer, a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one or more transferees who are parties to each transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an

inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

constructing a chain of transfers for a selected one of the animals using each of the most-recent previous unique passport identifiers recorded on the animal passports associated with the selected animal, thereby determining all locations in which the selected animal has been located throughout its lifetime ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments); and

verifying a country of origin claim for the selected animal by comparing the determined locations to one or more locations stated in the country of origin claim ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

**As per claim 16,** Curnekdall discloses, a system for uniquely identifying animals transferred groups, the system comprising:

a unique identifier associated with each transfer of a group of animals ([0205]; via although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID)

transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal);

a repository for recording the unique identifier of each of the transfers ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

along with a specification of how many animals are in the group and an identification of one or more transferors and one or more transferees who are parties to the transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system); and

linkage from each subsequent transfer of any of the animals to a most-recent prior transfer of those animals, the linkage comprising a specified association between a new unique identifier associated with each such subsequent transfer and the unique identifier of the prior transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 17,** Curkendall teaches, wherein the linkage enables tracing transfers of a subset comprising one or more of the transferred animals by accessing, for each of the transfers of the animals in the subset, the specified association between the unique identifier of the most-recent prior transfer and the new unique identifier of the subsequent transfer for that subset ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 18,** Curkendall discloses, a method for identifying groups of animals from birth to death, comprising:

associating a unique identifier with animals transferred from an original owner thereof ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively);

associating a different unique identifier with each subsequent transfer of the animals or any subset thereof ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal.

Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively);

linking, at each subsequent transfer, the different unique identifier with the unique identifier associated with a most-recent previous transfer of the animals in that subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 19,** Curkendall discloses, wherein additional animals may be included in one or more of the subsequent transfers, and wherein the unique identifier of the most-recent previous transfers of those additional animals is also linked with the different unique identifier of the subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 20,** Curkendall discloses, a method of tracking transfers with passports, the method comprising:

creating a passport to represent a transfer of one or more entities from a transferor to a transferee ([0158]; via events recorded on each animal will typically be

exported to a larger database. The larger database will not only store information on other animals, but will store information on one entity's animals that have been transferred to other entities);

assigning a unique passport identifier to each created passport, thereby providing a unique identification of the underlying transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively); and

repeating the creating and assigning for each subsequent transfer of one or more of the transferred entities, wherein the passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer of those entities ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

#### ***Response to Arguments***

7. Applicant's arguments filed May 14, 2008 have been fully considered but they are not persuasive.

Applicant argues, "para. [0237] states that an event is a group of data used to represent a discrete transaction against an animal, referring to the animal in the

singular. This is different from Applicant's claim language, which refers to animal in the plural." However, it is noted in several sections of the prior art including [0032] that the events can be applied to groups of animals. Therefore, the Examiner respectfully disagrees.

Applicant Argues "the time-stamp as discussed and described in the cited para. [0237] of Cerkendall is a time-stamp of the current event." However, these timestamps are recorded for each event, including the current and previous events, therefore, the Examiner respectfully disagrees.

Applicant argues "the cited paragraphs of Cerkendall do not teach (at least) the above-recited 'no man animals...' or "a location of the animals during a lifetime...", or an animal passport that represents a transfer of animals in the plural"

However, several places in the prior art including [0032] discuss a group of animals which would specify the number of animals within the group. [0130] also discusses location information. Therefore, the Examiner respectfully disagrees.

Applicant argues "there is no teaching or suggestion that a common identifier is used for the group transaction", however, fig. 23 depicts group data components which are common for a group transaction. Therefore, the Examiner respectfully disagrees.

Applicant argues "discussing a discrete transaction, however is not the same as teaching a unique identifier for a transfer from an original owner" However, it is noted in several areas of the prior art including [0111] that events are assigned a unique code. Therefore, the Examiner respectfully disagrees.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pratt (5,673,647), which a cattle management method and system, Sehr (6,565,000), which discloses a system and method utilizing passport documents, Garwood (2003/0170357), which discloses processing meat products responsive to customer orders, Brown (2002/0133359), which discloses a system, method and article of manufacture for country and regional treatment in a supply chain system, Arquimba (2005/0075900), which discloses a method and apparatus for bulk food marking and tracking with supplier rating system, Curkendall et al. (2003/0177025), which discloses method and system for agricultural data collection and management and Jorgenson et al. (2002/0095232), which discloses a transactional supply chain system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3687

OI